



Western Australia.

ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. XXXVI.

AN ACT to amend the Pharmacy and Poisons Act, 1894.

[Assented to, 16th December, 1899.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Pharmacy and Poisons Act Amendment Act, 1899, and shall be read with the Pharmacy and Poisons Act, 1894, hereinafter called the principal Act.

Short title and incorporation with 58 Vict., 35.

2. (1.) NOTWITHSTANDING anything contained in the Pharmacy and Poisons Act, 1894, no person shall sell any arsenic or strychnine, or any preparation of arsenic or strychnine, unless, in the case of arsenic or any uncoloured preparation of arsenic, it is mixed, before the sale or delivery, with soot or some other black substance in the proportion of one ounce of soot or other black substance at least to one pound of arsenic, and so in proportion for any greater or less quantity, and unless, in the case of strychnine or any uncoloured preparation of strychnine, it is coloured with Armenian bole or some other red colouring matter before the sale or delivery thereof.

Arsenic and strychnine must be coloured.

Queensland Act, 55 Vict., No. 31, s. 6.

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(2.) Provided that, whenever the purchaser states that the arsenic or strychnine, or any preparation thereof respectively, is not required for any pastoral or agricultural use or for the destruction of vermin, but is required for a purpose for which such admixture with colouring matter would, according to the representation of the purchaser, render it unfit (a statement of which purpose is entered in the book required by section twenty-nine of the principal Act to be kept and signed as thereby required or specified in the letter therein referred to, as the case may be), such poison may be sold without such admixture.

58 Vict., 35, s. 33,
to apply to sales
under this Act.

(3.) Every person failing to comply with or acting contrary to any of the provisions of this section shall be guilty of an offence against the principal Act, and, upon conviction, be liable to the same fine or imprisonment as is mentioned in section thirty-three of the principal Act.

Amendments of 58
Vict., 35.

S. 21 (e) amended.

3. THE principal Act is amended, as follows:—

In section twenty-one, paragraph (e.), the words “Western Australia” are struck out, and the words “in any of the Australasian colonies” are substituted therefor; and all the words after the word “Practitioners” are struck out, and the words “and has passed all examinations prescribed by the Regulations or examinations which, in the opinion of the Board, are equivalent thereto” are substituted therefor:

S. 27 amended.

In section twenty-seven, the word “twenty” is struck out, and the word “five” is substituted therefor:

S. 29 amended.

The word “Poisons,” in paragraph (b.) of section twenty-nine, shall apply only to the poisons mentioned in Part I. of the Schedule hereto:

S. 30 amended.

In section thirty, the word “poison” shall apply only to the poisons mentioned in Part I. of the Schedule hereto:

S. 31 amended.

At the end of section thirty-one the following words are added:—“together with the address of the shop or premises from which the poison was obtained.”

S. 36 amended.

In section thirty-six, after the word “other,” in the seventh line, the word “licensed” is inserted; and in the eleventh line, after the words “eradication of,” the following words are inserted: “disease in any animals or of;” and after the word “such,” in the fourteenth line, the following words are inserted: “nor to the sale for mining or industrial purposes of cyanide of potassium, strong mineral acids, or other metallurgical chemicals required in the mining or in such other industry where such chemicals are required in large quantities.”

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In section thirty-eight, sub-section (1), paragraph (c), last line, after the word "chemist" the following words are inserted:—"or who carries on any business or takes part or assists in any business in any shop or premises whereon or whereto is affixed any name, sign, letters, or inscription containing the word 'medical,' or 'apothecaries,' or 'drug,' or 'druggist,' either alone or in conjunction with any other word or words; or any other words suggesting that the business of a chemist or druggist is carried on upon such premises."

S. 38 amended.

The Fifth Schedule is repealed, and the Schedule hereto shall be substituted for and stand as such Fifth Schedule.

Fifth Schedule repealed.

4. (1.) NO pharmaceutical chemist or legally qualified medical practitioner shall carry on or attempt to carry on the business of a chemist and druggist, or pharmaceutical chemist, or assume or use the title of a pharmaceutical chemist, pharmacist, chemist and druggist, dispensing chemist, homœopathic chemist or other title of like import, or use or exhibit any title, term, or sign on any shop, house, or premises which can be construed to mean that the business of a pharmaceutical chemist is carried on therein, unless such business is conducted by and under the personal supervision of himself or of an assistant who is a pharmaceutical chemist or a legally qualified medical practitioner.

Pharmaceutical chemist; business to be carried on by the principal himself or by a qualified assistant.

(2.) Every pharmaceutical chemist, and every licensed vendor of poisons, and every person or assistant under whose conduct or management the business or any branch of the business of a pharmaceutical chemist is carried on, shall have his name legibly painted or written, and continually so maintained, on a conspicuous place on the front of the building where such business is carried on.

Chemists and persons licensed to sell poisons to have their names painted up.

(3.) Every person who fails to comply with or acts contrary to any of the provisions of this section shall be guilty of an offence against the principal Act, and, on conviction thereof, shall be liable to a penalty not exceeding Fifty pounds, and an additional penalty of Five pounds for every day during which such failure or act continues.

5. EVERY person licensed under the principal Act to sell poisons shall, immediately on demand being made to him at his shop or place of business by a member of the Council or its Registrar, or any person authorised in writing under the hand of the President or Registrar, produce and show the book to be kept under section twenty-nine of the principal Act, and permit the same to be examined, and any person neglecting, failing, or refusing to produce and show such book on demand, or to permit the same to be examined, shall be guilty of an offence against the principal

Person licensed to sell poisons to produce on demand by certain persons the book required to be kept by 58 Vict., 35, s. 29.

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Act, and be liable, on conviction, to the same fine or imprisonment as is mentioned in section thirty-three of the principal Act.

Evidence under section 38 of 58 Vict., 35, and section 5 of this Act.

6. IN any prosecution under section thirty-eight of the principal Act, or section five hereof, the fact that any person is apparently employed or engaged in any shop, house, or premises where drugs are kept or stored for sale, or acts in the capacity of a salesman therein, shall be *prima facie* proof that such person carries on business as a pharmaceutical chemist in such shop, house, or premises, and personally conducts and supervises the business carried on therein.

Person duly qualified at passing of Act not prevented from trading as chemist.

Proviso,

7. NOTHING in this Act contained, or in the principal Act, shall prevent any person carrying on the business or occupation of a pharmaceutical chemist in Western Australia, who, at the passing of this Act, is possessed of any qualification legally recognised in any of the Australasian colonies, and has been resident in the Colony for the period of three months immediately preceding the passing of this Act: Provided that such person shall apply to be registered under the provisions of this Act within three months after the passing thereof; and if any such person shall not so apply, he shall be excluded from the provisions of this section.

In the name and on behalf of the Queen I hereby assent to this Act.

GERARD SMITH, Governor.

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SCHEDULE.

Section 3.

(In substitution for 5th Schedule in 58 Vict., No. 35.)

PART I.

Aconite
Arsenic and its preparations
Arsenical preparations, except green and other paints and pigments
All poisonous vegetable Alkaloids, and their salts
Belladonna and its preparations
Cannabis Indicus
Cantharides
Chloral Hydrate
Chloroform
Cocaine and its preparations
Conium and its preparations
Corrosive Sublimate
Croton Oil
Cyanides of Potassium and all metallic cyanides
Digitalis and its preparations
Ergot of Eye and its preparations
Essential Oil of Almonds, unless deprived of its prussic acid
Iodine
Laudanum
Nux Vomica, bean or powder
Opium and all preparations of opium or poppies
Phosphorus
Prussic Acid and its preparations
"Rough on Rats"
Savin and its oil
Strychnine and its preparations
Tartar Emetic.

PART II.

Butyr of Antimony
Carbolic Acid
Chlorodyne
Colocynth Pulp
Ether
Iodoform
Mercury Subchloride
Oxalic Acid
Patent and Proprietary Medicines containing any poison mentioned in
Part I. of this Schedule
Red Precipitate
Soothing Powders
Soothing Syrups
Strong Mineral Acids
Sugar of Lead
White Precipitate.